

TOWN OF SHEFFIELD  
**ZONING BOARD OF APPEALS**  
**THURSDAY MARCH 5, 2020**  
**SECOND FLOOR MEETING ROOM**  
**7:00 PM**

Board Members Present: Eric Carlson, Chairman  
Allison Lasso  
John Reilly  
Paul Nardi  
Kenneth Smith

Others Present: Renee LeClair, Zoning Board of Appeals Clerk  
Members of the public (see sign in sheet)

Chairman E. Carlson called the meeting to order at 7:00 pm.

**Discussion/Possible Action Regarding notice of Decision for 941 Clayton Road:** Chairman E. Carlson began by stating that there would be no input from the public. This would be a Board deliberation.

Chairman E. Carlson stated that he want to be sure that everyone understands that at the last meeting a motion was made and seconded to reconsider the vote taken at the February 13th meeting regarding the Administrative Appeal filed for 941 Clayton Road. The Board now needs to discuss the Appeal.

P. Nardi referenced Town Counsels' opinion; this is a customary use in Sheffield, he continued that he has trails on his property as do many in Town this does not make them racetracks. There is nothing in the Town Bylaws that states that this is not allowed, and according to the letter submitted by Jared Clayton the Ovitt's only rode twenty one times last year. In his opinion this is not excessive.

Attorney Alexandra Glover announced that she would be recording the meeting.

J. Reilly stated that he agrees with P. Nardi, and people are doing this all over Sheffield. P. Nardi added these bikes have been in use in the Town since they were invented and that he can't see taking the privilege away for just a couple people complaining. We are going to open up a can of worms that will end up affecting the entire Town.

A. Lasso said she agrees with what P. Nardi is saying. She has done her research looking for similar cases in other Towns and did not produce any easy solution. A. Lasso stated it seems that this use has changed throughout the years; this to me is a special circumstance. Without the benefit of a sound meter, we only know that his neighbors are not able to enjoy their property because of the noise.

The noise concern did not start in 2002, when he started riding; this issue has built over the years. The rider has become more talented as he has aged with practicing on the track. We are not talking about a steady sound of a lawnmower. This noise changes with the frequency of acceleration and deceleration of these bikes as they ride the track.

P. Nardi said in his opinion what this decision is going to do is affect snow mobiles and any other thing that is ridden in Sheffield, it will snow ball into that sooner or later.

Chairman Carlson stated that he would disagree with that and what is in discussion right now is the use of a motocross track and the excessive noise that it causes.

Chairman Carlson clarified that the Board did not intend for this decision to reflect that the owner could not use a motorcycle on his property at all. That is not what we wanted. He doesn't see that this issue stretching into not being able to use a snowmobile, a chainsaw or otherwise. This is a noise that is unique to a motocross track.

A. Lassoe said that she sees this as a special noise on this particular property. It may pertain to the size of the property the location of the track etc. Her opinion certainly is not a blanket statement no one should be able to ride a motorcycle. This particular use is above and beyond average and it seems that a Special Permit would take care of these nuances.

P. Nardi stated that the use is not excessive and referenced Jared Clayton's letter for the number of times the track was used last year.

A discussion ensued regarding the opinion from Town Counsel dated February 28, 2020 and the Town's Zoning Bylaws.

The Board continued to discuss their interpretations of the Bylaws and Town Counsels opinion.

P. Nardi stated that he feels this is an allowed use we should uphold the building inspector's decision. J. Reilley agreed.

**P. Nardi motioned, with a second from J. Reilley to deny the appeal and uphold the building inspector's decision.**

The roll call vote was as follows:

**J. Reilley- Aye**

**P. Nardi – Aye**

**K. Smith – Aye**

**Chairman E. Carlson – Nay**

**A. Lassoe – Nay**

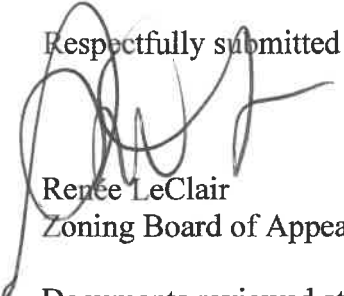
Attorney Alexandra Glover and Attorney Elisabeth C. Goodman both voiced their objections to the vote.

E. Carlson called a recess.

E. Carlson returned from the recess and stated that there being no further business before the Board this evening he would entertain a motion to adjourn. ***K. Smith motioned, with a second from A. Lasso to adjourn the meeting. The motion passed 5-0.***

Chairman Carlson adjourned the meeting at 7:21 p.m.

Respectfully submitted by:



Renée LeClair  
Zoning Board of Appeals Clerk

Documents reviewed at the meeting:  
Draft Notice of Decision

# Sheffield Zoning Board of Appeals

Date: March 5, 2020

	Name – PLEASE PRINT	Street, Town
1.	Lynn Bogarde	Hillside Lane, Ash Falls
2.	Mike Hewins	206 ALUM HILL RD ASHLEY FALLS
3.	David E Coons	150 Boardman, St SHEFFIELD
4.	Nicole Chase	941 Clayton Rd. <sup>ASH.</sup> FALLS
5.	Alyssa Ovitt	941 Clayton Rd Ashley Falls
6.	Blake Ovitt	941 Clayton Rd Ashley Falls
7.	Chuck Pickett	161 Canaan Rd
8.	Cheryl Ovitt	271 Silver St
9.	GARRY Ovitt SR	271 SILVER ST.
10.	Martin Mitsoff	SOUTH UNDERMILL RD, Sheffield
11.	Theresa Collingwood	773 Clayton Rd.
12.	Jane Collingwood	773 Clayton Rd
13.	Sally Trano	932 Clayton Rd
14.	Taraed Ooyta	125 Canaan Rd Sheffield

# Sheffield Zoning Board of Appeals

Date: March 5, 2020

	Name – PLEASE PRINT	Street, Town
1.	Garry Cuth JR	941 Clayton Rd
2.	Randy Barchett	1257 County RD
3.	SUE FUNK	428 Polikoff Rd
4.	BRAD UCHT	428 Polikoff Rd
5.	PATRICIA Crine	290 East Stahl Rd.
6.	Will Crine	290 East Stahl
7.	Guendana Grace	178 Boardman St
8.	Alvin Will	1515 Boardman St
9.	JOE SOLAN	LOWER RD CANAAN CT
10.	Catherine Wager	181 Burke Ashley Falls
11.	Kevin Winkler	1500 Boardman St
12.	Andrew Consolini	189 Water Farm Rd
13.	DAVID Consolini	189 Water Farm Rd
14.	Melissa Consolini	189 Water Farm Rd

# Sheffield Zoning Board of Appeals

Date: March 5, 2020

	Name – PLEASE PRINT	Street, Town
1.	JOHN CAMPANALE	95 WATER FARM RD SHEF.
2.	JEAN MASON	390 S. MAIN SHEF.
3.	Jonathan Rothman SR	462 Ashley Falls Road
4.	Jonathan Rothman Jr	462 Ashley Falls Road
5.	Walter Hewins IV	200 Alum Hill
6.	Kendra Hewins	200 Alum Hill
7.	Walter Hewins IV	200 Alum Hill
8.	Jednee Hewins	200 Alum Hill
9.	Jayne Smith	465 Silver St
10.	Colby Stevens	57 Amory lane
11.	Faith Angell	584 West road
12.	Stacy Stevens	57 Amory lane
13.	Mike Stevens	57 Amory Lane
14.	Na Line Hawver	9 Park Lane

# Sheffield Zoning Board of Appeals

Date: March 5, 2020

	<b>Name – PLEASE PRINT</b>	<b>Street, Town</b>
1.	Dennis Egan Cohen Kinsie	28 North St, P. H. Sheffield, MA
2.	Alex Glover Lauren Glover	
3.	Almo Zeri	50 Newer Ave Ashby-100 MA
4.	Ed Ustico	121701st St
5.	Good Citizen	
6.	Martha L Viera	747 Polukoff Rd
7.	<del>John</del> Blume	124 Cook Rd
8.	Dan WATSON	1194 N MAIN
9.	Joda Wilkins	1500 Boardman St
10.	Rhonda LaBombard	
11.	April Marks	159 Polukoff
12.	Laura Grunfeld	Sheffield
13.	Meghan Licate	Sheffield
14.	Kristine Agar	199 Canaan Rd

# Sheffield Zoning Board of Appeals

Date: March 5, 2020

	Name – PLEASE PRINT	Street, Town
1.	JAMES FIFE	572 Shunpike Rd Sheffield
2.	Theresa Fife	572 Shunpike Rd Sheffield
3.	Sheila Farnum	70 Root Lane
4.	ELIZABETH C. GOODMAN	- CAIN HIBBARD
5.	MACKENZIE COLLINS	- CAIN HIBBARD
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